

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEBRA VANESSA WHITE,

Plaintiff,

v.

RELAY RESOURCES and GENERAL
SERVICES ADMINISTRATION,

Defendants.

CASE NO. C19-0284-JCC

ORDER

This matter comes before the Court on Defendant Relay Resources' motion to strike Plaintiff's "Answer and Affirmative Defenses" (Dkt. No. 91). On November 14, 2019, Defendant filed its answer to Plaintiff's complaint. (Dkt. No. 85.) On December 14, 2019, Plaintiff filed a reply to Defendant's answer. (Dkt. No. 86.) Federal Rule of Civil Procedure 7(a) authorizes a reply to an answer "if the court orders one." Fed. R. Civ. P. 7(a)(7). Because the Court did not order a reply from Plaintiff, her pleading is not proper under Rule 7(a).

Alternatively, the Court could construe Plaintiff's "Answer and Affirmative Defenses" pleading as a proposed amendment to her complaint. The pretrial conference and scheduling order established that all pleading amendments were due by November 8, 2019. (Dkt. No. 45.) Pursuant to Rule 16(d), scheduling order deadlines "may be modified only for good cause and with the judge's consent." Plaintiff has neither attempted to establish good cause for

1 modification nor obtained the Court's consent to amend her complaint. Plaintiff's "Answer and
2 Affirmative Defenses" is therefore improper under Rule 16(d) if construed as a proposed
3 amended complaint.

4 For the foregoing reasons, the Court GRANTS Defendant's motion to strike Plaintiff's
5 Answer and Affirmative Defenses (Dkt. No. 91). The Clerk is directed to STRIKE Plaintiff's
6 Answer and Affirmative Defenses from the record.

7 DATED this 24th day of February 2020.

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11 John C. Coughenour
12 UNITED STATES DISTRICT JUDGE
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